

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Carlo Liberale et al.	§	Group Art Unit: 3753
	§	
Serial No.: 10/586,205	§	Confirmation No.: 4778
	§	
Filed: July 13, 2006	§	Examiner: Schneider, Craig M.
	§	
For: ACTUATOR FOR THE	§	Atty. Docket: CMRN:0006/SWA
ACTUATION OF SUBMARINE	§	CCV/Dresser 030957 US
DEVICES	§	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION OR MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d), or is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.6(a)(4), or is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

September 4, 2009

Date

/Tait R. Swanson/

Tait R. Swanson

Reg. No. 48,226

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

On August 6, 2009, the Office mailed a Notice of Abandonment based on Applicants' failure to timely file a proper reply to the Office Action mailed on October 31, 2008. In accordance with 37 C.F.R. § 1.181 and M.P.E.P. § 711.03(c) I.A., Applicants hereby petition to withdraw the holding of abandonment of the above-identified application based on a failure to receive the Office Action. In particular, Applicants hereby submit evidence of this failure to receive the Office Action in the form of Exhibits A and B and a Declaration of Manish Vyas in Support of Applicant's Petition Under 37 C.F.R. § 1.181(a) to Withdraw the Holding of Abandonment (hereinafter "the Declaration").

As indicated in the Declaration, Manish Vyas declares that he is a Managing Attorney at Cameron International Corporation (hereinafter "Cameron"), and further that Cameron has a

reliable docketing system, which includes application numbers, attorney docket numbers, mailing dates of Office Actions, and due dates for Responses. Manish Vyas also declares that Cameron received a mailing, at the correspondence address of record, of a Notice of Abandonment mailed on August 6, 2009, indicating abandonment due to Applicants' failure to reply to an Office Action mailed on October 31, 2008. Manish Vyas further declares that Cameron has not received a mailing, at the correspondence address of record, of the Office Action mailed on October 31, 2008. Manish Vyas also declares that a review of the docketing system and his records confirms that Cameron did not receive a mailing, at the correspondence address of record, of the Office Action mailed on October 31, 2008. Manish further declares that a copy of the bibliographic data for the above-referenced application, as obtained from PAIR, is included as Exhibit A. As indicated in Exhibit A, the document description indicates "Mail returned to USPTO as undelivered" on a mail room date of November 7, 2008. Manish also declares that a copy of the returned Office Action is included as Exhibit B. As indicated in Exhibit B, the Office Action was stamped by Shell Oil Company on November 3, 2008, and was subsequently stamped by the USPTO Mail Center on November 7, 2008.

In view of the foregoing evidence, Applicants submit that the Office Action was improperly delivered to Shell Oil Company rather than Cameron, the Office Action was returned to the Office, the Office recorded this Office Action as undeliverable, the Office did not attempt to re-mail the Office Action, and the Office subsequently mailed a Notice of Abandonment. Clearly, the evidence confirms that Applicants have not received a mailing of the Office Action mailed on October 31, 2008.

Accordingly, Applicants respectfully request that the Director grant the present petition to withdraw the holding of abandonment pursuant to 37 C.F.R. § 1.181 and M.P.E.P. § 711.03(c) I.A, and reinstate the application with its original filing date. Upon grant of this petition, Applicants further request re-mailing of the associated Office Action and re-starting of the time period for reply based on failure to receive the Office Action.

In accordance with M.P.E.P. § 711.03(c) I, Applicants submit that no fees are currently due in association with this petition. However, if any fees are necessary to process this petition, then Applicants authorize the Director to charge such fees to Deposit Account No. 03-0335; Order No. CCV/Dresser030957US (CMRN:0006/SWA).

Respectfully submitted,

Date: September 4, 2009

/Tait R. Swanson/

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